

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY CONLEY, et al.,

Plaintiff,

vs.

WELLS FARGO BANK, et al.

Defendants.

Case No. 2:11-cv-01415-JCM-GWF

ORDER

Emergency Motion to Extend Time
to File Responsive Pleadings (#5)


This matter comes before the Court on Defendant Wells Fargo Bank's Emergency Motion to Extend Time to File Responsive Pleadings (First Request) (#5), filed on October 4, 2011. Wells Fargo requests a brief extension of time to file their responsive pleadings in this matter, up to and including October 17, 2011, because they just recently retained counsel and need additional time to compile and review relevant documents. Plaintiffs filed their Application for Leave to Proceed in Forma Pauperis on September 2, 2011, and properly attached their complaint for the Court's review. (*See* #1.) On September 14, 2011, the Court denied Plaintiffs' request to proceed in forma pauperis based on an incomplete financial affidavit, and granted Plaintiffs thirty days to correct the noted deficiencies. (*See* #2.) On September 19, 2011, Plaintiffs filed a revised Application to Proceed in Forma Pauperis (#3), which is currently pending before the Court.

Once the Court reviews and grants a request to proceed in forma pauperis, the Court must additionally screen the complaint pursuant to 28 U.S.C. § 1915(e). After the complaint is screened and the Court finds that the complaint alleges facts sufficient to state a claim upon which relief can be granted. The Court then directs the complaint to be filed and served on all parties. At this time, Plaintiffs' application to proceed in forma pauperis is still pending before the Court. No complaint has

1 been filed in this action, and consequently, the period of time to file responsive pleadings has not
2 commenced. Wells Fargo's motion is therefore premature. Accordingly,

3 **IT IS HEREBY ORDERED** that Defendant Wells Fargo Bank's Emergency Motion to Extend
4 Time to File Responsive Pleadings (First Request) (#5) is **denied** as moot.

5 DATED this 5th day of October, 2011.

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8 GEORGE FOLEY, JR.
9 United States Magistrate Judge
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